

For example, the lifting device 29 can be operated to lift a supported person to enable the person to grip an elevated object. As shown in Fig. 4, the lifting device 29 moves the raising frame 21 upward and forward. As shown in dashed representation in Fig. 4, the footrest 24 is also raised as a part of the raising frame 21. Accordingly, a person on the claimed raising wheel chair can be lifted upward and forward in his original or changed position. Because the raising frame 21, including the footrest 24, is raised, a person resting on the wheel chair can be physically elevated in a given posture to, e.g., access an object shelved in an elevated height.

The foregoing features are broadly encompassed by claims 1 and 14, which recite, among other features, a lifting device extending from a front region of the wheel frame to a front region of the raising frame being of such a construction that on a lifting operation the raising frame is moved both upward and forward. The Wier et al. patent does not disclose or suggest a raising wheel chair having a lifting device as claimed.

With respect to claims 1 and 14, the Wier et al. patent shows in Fig. 1 a view of a paraplegic supported in a standing or upright position on the ambulator. Fig. 3 shows a rear view of the ambulatory in an upright position. Fig. 2 shows the ambulatory in a middle position between the upright standing position and the lowered sitting position. Regardless of the position, the small base 16 of the ambulatory 10 does not elevate. In contrast, the lifting device of Applicant's claims 1 and 14 can lift the raising frame upward and forward, to physically elevate a supported person in combination with the lifting of posture.

In numbered paragraph 4 of the final Office Action, the Examiner responds to the arguments filed November 12, 2004 with an assertion that "Wier et al. in figure 2, disclose a lifting device (68) for adjusting a height level of the raising frame both in sitting and in a standing position." This conclusion is traversed.

The jack screw 68 disclosed in Wier et al. patent does not elevate the entire body of a supported person. As shown in Fig. 1, the supported person is merely lifted upright in posture, but as evidenced by the stationary footing of the small stand 16, the supported person is not simultaneously elevated in height. In contrast, as shown in Applicant's Fig. 4, the raising frame 21, including the footrest 24, is shown projecting upward and forward, to physically elevate a supported person upward and forward. These disclosed features are broadly encompassed by claims 1 and 14, which recite, among other features, a lifting device extending from a front region of the wheel frame to a front region of the raising frame being of such a construction that on a lifting operation the raising frame is moved both upward and forward. The Wier et al. patent does not teach or suggest the claimed lifting device. Accordingly, the Wier et al. patent does not anticipate Applicant's claims 1 and 14, and these claims are allowable.

For the foregoing reasons, Applicant's claims 1 and 14 are allowable over the Wier et al. patent. The remaining claims depend from independent claim 1 and recite additional advantageous features which further distinguish over the documents relied upon by the Examiner. For example, as previously argued, the Wier et al. patent does not disclose "the lifting device comprises on each side of the chair telescopic guide means," as recited in claims 3 and 9; does not disclose "the telescopic guide means have a forward inclination from bottom to top," as recited in

claim 4; and does not disclose "the wheel frame is provided with a middle wheel drive," as recited in claims 5 and 11. As such, the present application is in condition for allowance.

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the application is in condition for allowance and a Notice of Allowance is respectfully solicited.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: March 17, 2005

By: 

Patrick C. Keane

Registration No. 32,858

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620